

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re. ELIAS TORRES,) No. C 06-4037 MMC (PR)
Plaintiff.) **ORDER OF DISMISSAL;
INSTRUCTIONS TO CLERK**
_____) (Docket No. 4)

On June 29, 2006, the Clerk of the Court opened the above-titled civil action based on trust account documents submitted for filing by plaintiff, a California prisoner proceeding pro se; at the time they were submitted, the documents did not bear a number of an existing case. That same day, the Clerk notified plaintiff that plaintiff had not filed a complaint or petition, and that if he did not do so within thirty days, the instant action would be dismissed. On July 14, 2006, in a later-filed case, Case No. C 06-4192 MMC (PR), plaintiff filed an application to proceed in forma pauperis, to which he attached a letter stating he had intended to file the above-referenced trust account documents in that later-filed case, and requesting that the Court “terminate” Case No. 06-4037.

Good cause appearing, plaintiff's request is hereby GRANTED, and the above-titled action is hereby DISMISSED; the application to proceed in forma pauperis herein is DENIED as moot and no fee is due. The Clerk is hereby DIRECTED to file copies of the above-referenced trust account documents in Case No. C 06-4192 MMC (PR). In the instant action, the Clerk shall close the file and terminate Docket No. 4.

IT IS SO ORDERED.

DATED: December 11, 2006

Maxine M. Chesney
MAXINE M. CHESNEY
United States District Judge